U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 27886202

Date: JUL. 20, 2023

Motion on Administrative Appeals Office Decision

Form I-140, Immigrant Petition for Alien Workers (National Interest Waiver)

The Petitioner seeks second preference immigrant classification as a member of the professions holding an advanced degree, as well as a national interest waiver of the job offer requirement attached to this EB-2 classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

The Director of the Nebraska Service Center denied the petition, concluding the record did not establish that a waiver of the required job offer, and thus of a labor certification, would be in the national interest. We dismissed a subsequent appeal. The matter is now before us on motion to reopen.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Upon review, we will dismiss the motion.

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). Our review on motion is limited to reviewing our latest decision. 8 C.F.R. § 103.5(a)(1)(ii). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit. *See Matter of Coelho*, 20 I&N Dec. 464, 473 (BIA 1992) (requiring that new evidence have the potential to change the outcome).

On motion, the Petitioner submits a reference letter from [redacted] director of [redacted] The Petitioner asserts that the letter is a new fact establishing their eligibility for EB-2 classification. They further cite a line of unpublished non-precedent decisions they claim support the submission of "new evidence."

The letter the Petitioner submits is not a new fact warranting reopening proceedings here. We interpret "new facts" to mean those that are relevant to the issues raised on motion and that have not been previously submitted in the proceeding. Reasserting previously stated facts or resubmitting previously provided evidence does not constitute submission of "new facts."

The Director's decision to deny the petition considered a letter present in the record from the same entity in the Petitioner's favor. Our previous decision upholding the Director's decision concluded

that the Petitioner had not sufficiently established the national importance of their endeavor under the first prong of the analytical framework we first explicated in *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016). The letter the Petitioner submits on motion to reopen is not documentary evidence of a new fact corresponding to the potential prospective impact of the Petitioner's endeavor such as broader implications of national importance or substantial positive economic effects that would have the potential to change the outcome of this matter.

All parties to a matter deserve an opportunity to be heard. But once proceedings provide that fair opportunity, a strong interest exists to bring the matter to a close. *INS v. Abudu*, 485 U.S. 94, 107 (1988). The Petitioner does not provide any new facts that relate to our previous decision dismissing the Petitioner's appeal.

Although the Petitioner has submitted additional evidence in support of the motion to reopen, the Petitioner has not established eligibility. Therefore, the motion will be dismissed. 8 C.F.R. § 103.5(a)(4).

ORDER: The motion to reopen is dismissed.